

FILED  
JUDICIAL COURT  
ROANE COUNTY, W. VA.  
06 SEP 28 PM 3:01

**IN THE CIRCUIT COURT OF ROANE COUNTY, WEST VIRGINIA**  
**STATE OF WEST VIRGINIA,**

**Plaintiff,**

**v.**

BEVERLY GREATHOUSE  
CIRCUIT CLERK

**OWEN HAWK III,**

**Defendant.**

**Case No. 06-F-7**

**Judge, Thomas C. Evans III**

**ORDER**

On this the 28<sup>TH</sup> day of September, 2006, came the State by Mark G. Sergeant, Prosecuting Attorney in and for this County and State, and the Defendant, in person, and by counsel, Teresa Monk for receipt of pre sentence investigation report and sentencing.

Whereupon, the Court acknowledged receipt of Pre sentence Investigation Report prepared by Patricia McCartney, APO, bearing date of September 25, 2006 and ordered that report be filed.

Accordingly, it is the final judgment of the Court that the defendant is **GUILTY** of Fleeing from an Officer While Under the Influence of Alcohol., as charged in Count 1 of the Indictment in this case.

The Court then proceeded with the sentencing phase in this matter. The Court then afforded counsel for the Defendant the opportunity to speak on behalf of the Defendant and addressed the Defendant personally and asked him if he wished to make a statement in his own behalf and/or to present any information in mitigation of punishment. The Defendant did address the Court personally. The State of West Virginia addressed the Court in aid of sentencing.

Thereafter, the Court then demanded of the Defendant if anything he had or knew to say why the Court should not proceed to pronounce the sentence of the law against him, and nothing being offered or alleged in delay of judgment, the Court sentences the Defendant as follows:

The Court FINDS that the Defendant has bad character for rehabilitation purposes and was previously the subject of home confinement prior to this instance offense.

The Court FINDS that the Defendant has a serious alcohol abuse problem that

he does not admit to and this fact would interfere with rehabilitation.

For the Defendants conviction for the offense of Fleeing from an Officer While Under the Influence of Alcohol, as charged in Count 1 of the Indictment in this case, the Court **ORDERS** the Defendant be placed into the custody of the Commissioner of the West Virginia Department of Corrections to therein to be safely kept and in all respects in accordance with the law to serve a sentence not less than one nor more than five years, with credit for time served in the amount of One (1) day.

The Court **DENIED** the Defendants motion for probation and home confinement.

The Defendant moved for an appeal bond. The Court took the Defendants motion under advisement. The Defendant orally advised the Court of his wish to file an appeal.

The Court **ORDERS** the Defendant remanded to the custody of the Sheriff of Roane County for transport to the Central Regional Jail to begin the execution of the Courts sentence.

The Court **ORDERS** that the Defendant is to pay the cost of this action.

The defendant's counsel reviewed with the defendant a statement of post-conviction rights. The defendant signed the post-conviction rights statement and it is thereby lodged in the file as evidence that defendant has been so advised of his post-conviction rights. The Court notes that defendant was personally present throughout all stages of proceedings.

The Court **ORDERS** Teresa Monk appointed as appeal counsel for the Defendant.

The Clerk of this Court shall send attested copies of this Order to (1) Mark G. Sergeant, Prosecuting Attorney; (2) Teresa Monk, counsel for the Defendant; and (3) W. Va. Department of Corrections; (4) Central Regional Jail; and (5) Sheriff of Roane County.

All of which is, accordingly, ORDERED.

ENTER: 9/28/06

PREPARED BY:

Mark G. Sergeant  
Mark G. Sergeant  
Prosecuting Attorney

Thomas C. Evans III  
Thomas C. Evans III, Judge  
06-F-7 9-28-2006

TRUE COPY TESTE:  
Beverly Smith  
CLERK OF CIRCUIT COURT of  
ROANE COUNTY, WEST VIRGINIA  
BY \_\_\_\_\_ DEPUTY